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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/521,636	03/08/2000	Andrew Casper	105026/002	1455

7590 07/10/2002

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EXAMINER

LINZEY, DAVID

ART UNIT	PAPER NUMBER
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3628

DATE MAILED: 07/10/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/521,636

Applicant(s)

CASPER, ANDREW

Examiner

David Linzey

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                               | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>3 and 5</u> . | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Objections*

1. Claim 20 is objected to because of the following informalities: "a+ merchant" is presumed to be a typographical error. The "+" should be deleted. Appropriate correction is required.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1-6, 8-17, and 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wiecha U.S. Patent 5,870,717 in view of Ginter et al. U.S. Patent 5,982,891.**

As per claim 1, 6, and 14 Wiecha discloses a service and system containing a purchaser database 28 with identifier and address for a purchase order (col. 9 lines 40 – 53); and a processor for receiving purchase order 154 from network 34 using identifier. Wiecha does not disclose a disabler. Ginter discloses a disabler to disable the account when tampering occurs (col. 181 lines 64 – 66 and col. 270 lines 35 – 51). It would have been obvious to one skilled in the art at the time the invention was made to modify the system of Wiecha to have the disabler of Ginter to secure the personal information of the participants in system transactions.

As per claims 2 – 5, various types addresses are used in Wiecha such as email and shipping address. Having various types of addresses are old and well known in the art. It would

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have been obvious to one skilled in the art at the time the invention was made to modify the system of Wiecha to include various types of addresses to widen the range of purchasers of the items for sale.

As per claim 8, applicant explains that securitizer is basically what the examiner would consider a firewall. A firewall is old and well known in the art. It would have been obvious to anyone ordinarily skilled in the art to modify the system of to include a securitizer to block hackers and viruses from destroying sensitive information within the system.

As per claims 9 and 10, see the discussion of Wiecha above. Ginter discloses a disabler which determines if any alterations are being attempted and disables account information. Ginter simply discloses a system working over a network. These types of systems that communicate outside of the local area nearly always are connected with a firewall. This architecture is old and well known in the art. It would have been obvious to one ordinarily skilled in the art to modify the system of Wiecha to include a firewall and connect it to the disabler of Ginter to protect vital information from hackers.

Claim 11 contains features recited in claim 1 and they are likewise rejected. Wiecha discloses a purchaser account database for storing information 28, and a processor 154. Ginter discloses a disabler. The examiner considers a securitizer a firewall. It would have been obvious to one ordinarily skilled in the art to modify the system of Wiecha to include a firewall and connect it to the disabler of Ginter to protect vital information from hackers.

As per claim 12, a system where the public network is the mail and the merchant is a catalog company is old and well known. Most internet sites for ordering products use the mail and a company using catalogs for sales. Wiecha discloses this scenario (col. 2 lines 26 – 36).

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As per claim 13, Wiecha does not explicitly disclose a type of merchant being a utility company. However, the kind or type of company does not define over Wiecha as a plurality of types of companies would have been possible. It would have been obvious to one skilled in the art at the time the invention was made to modify the merchant of Wiecha to include different types of merchants in order to make the system more usable in world of business.

As per claims 15 and 16, Wiecha does not specifically disclose a type of service operated by a credit card company or a financial institution. However, the kind or type of company does not define over Wiecha as a plurality of types of companies would have been possible. It would have been obvious to one skilled in the art at the time the invention was made to modify the merchant of Wiecha to include different types of merchants in order to make the system more usable in world of business.

Claim 17 contains features recited in claim 1 and they are likewise rejected. As per claim 17, Wiecha discloses a purchaser identifier, storing the purchaser information in a database, monitoring the storage device, receiving the purchase order and delivering the delivery data to the merchant. Wiecha does not explicitly disclose disabling the storage device. Ginter discloses a disabler to disable the account when tampering occurs (col. 181 lines 64 – 66 and col. 270 lines 35 – 51). It would have been obvious to one skilled in the art at the time the invention was made to modify the system of Wiecha with Ginter to have the disabler to prevent the loss of data to outside intruders.

As per claim 20, Wiecha discloses selecting and communicating a product with a product identifier (col. 2 lines 12 – 18), inputting identifier, processing the purchase order, communicating the delivery address to the merchant (col. 2 lines 12 – 19). Wiecha does not

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explicitly disclose a disabler. Ginter discloses a disabler. It would have been obvious to one skilled in the art at the time the invention was made to modify the system of Wiecha to have the disabler of Ginter to secure the personal information of the participants in system transactions.

As per claim 21, disabling or not including options is old and well known in the art. It would have been obvious to one skilled in the art at the time the invention was made to modify the system of Wiecha to have the disabler of Ginter and to not allow the changing of the address to prevent users from typographical errors in delivery of the product.

**3. Claims 7, 18, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wiecha in view of Ginter et al. and further in view of Koreeda U.S. Patent 5,890,137.**

As per claim 7, see the discussion of claim 1 above. Wiecha and Ginter do not explicitly disclose having a specific account. Koreeda discloses purchaser account information comprises payment data associated with identifier (col. 3 line 66 – col. 4 line 13). The account identifier is the credit card number, and the account information is the credit card data transmitted by the Koreeda system. It would have been obvious for one ordinarily skilled in the art at the time the invention was made to have modified the combined system of Wiecha and Ginter to include the information of Koreeda to ensure the transaction will be accurately recorded for future auditing purposes.

As per claim 18, Wiecha stores purchasing data in the Purchase Order database 28. Wiechia and Ginter do not determine payment abilities or transferring payment. Koreeda discloses determining whether purchaser can pay and transferring payment to merchant (col. 11 lines 50 – 60). It would have been obvious for one ordinarily skilled in the art at the time the

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invention was made to have modified the combined system of Wiecha and Ginter to include the determining of ability to pay of Koreeda to assure the payment of products ordered.

As per claim 19, Ginter discloses invalidating the purchaser identifier if data is altered (col. 270 lines 35 – 51).

*Conclusion*

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Linzey whose telephone number is 703-305-4570. The examiner can normally be reached on M - F 8-4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frantzy Poinvil can be reached on 703-305-9779. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7658 for regular communications and 703-305-7658 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

DL  
July 1, 2002

*F Poinvil*  
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PRIMARY EXAMINER  
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